

Attorney Docket: 46536-0011
Serial No. 10/813,205
Reply To Office Action Dated September 19, 2005

REMARKS

This Amendment is in response to the Office Action dated September 19, 2005. In the Office Action the Examiner: (1) rejects Claims 1, 5, and 8-11 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention; and (2) rejects Claims 1, 5, and 8-11 under 35 U.S.C. 102(b) as being anticipated by Murphy (US 2,283,122). By this response, Applicants amend Claims 1, 9, 10, and 11, withdraw Claims 2-4 and 6-7, and add new Claims 12-20.

Applicants have made minor amendments to the specification to correct a few reference numerals so that the written description, including reference numerals, matched what was shown in the drawings. No new matter has been added by this amendment.

The Examiner originally rejected Claims 1, 5, and 8-11 under 35 U.S.C. § 112, second paragraph, for being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended Claim 1 and respectfully submit that the rejection 35 U.S.C. § 112 is overcome. Applicants have also amended Claim 9 and Claim 10 and submit that the rejection under 35 U.S.C. § 112 is overcome.

The Examiner rejected Claims 1, 5, and 8-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,283,122 to Murphy. The Examiner stated that Murphy discloses a fastener clip being received in a rectangular hole in a metal sheet, the clip comprising a base portion having a threaded aperture, a pair of opposed arms engaging a top surface of the metal sheet and a pair of wedge shaped engaging portions engaging an opposite side of the sheet adjacent to the corners of the aperture.

Applicants respectfully disagree with the Examiner's rejection and respectfully submit that amended Claim 1 is not anticipated by Murphy. Applicants have amended Claim 1 to clarify that the engagement portions are substantially U-shaped. At best, Murphy only shows a flat portion somewhat

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similar to the center section of the present invention that engages the underside of the sheet metal. Murphy does not disclose, teach, or suggest engagement portions that are substantially U-shaped. In regards to Claims 8-10, these show additional limitations that further define over Murphy. In specific regard to Claim 9, Murphy does not show engagement portions for engaging the underside of the sheet of the metal at the corners and in regards to Claim 10 Murphy does not show a retaining portion having a first pair of opposing arms as well as a carrier portion having a second pair of arms for engaging the upper surface. Therefore, as defined in Claim 10, the mounting clip includes at least four arms that engage the upper surface while Murphy only has two arms that engage the upper surface.

Applicants have added new Claims 12-20 to further define and claim the invention. New Claim 12 is directed to a retainer portion and a carrier portion wherein the retainer portion has a first pair of opposing arms for engaging the upper surface and the carrier portion has a second pair of opposing arms for engaging the upper surface. Again, Murphy only shows one pair of opposed arms for engaging the upper surface and one pair of opposed arms for engaging the under surface. Therefore, Applicants respectfully submit that new Claim 12 is not disclosed, taught, or suggested by Murphy. Dependent Claims 13-20 further define the invention and include further limitations that are further patentable.

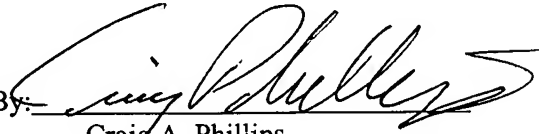
In view of the above remarks, Applicant respectfully submits that all of the pending claims are in a condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at (248) 433-7231.

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Prompt and favorable consideration and allowance of this application is respectfully requested.

Respectfully submitted,
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Enclosures

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